

## **IC 12-28-3**

### **Chapter 3. Uniform Act for the Extradition of Persons of Unsound Mind**

#### **IC 12-28-3-1**

##### **Flight and fled defined**

Sec. 1. As used in this chapter, "flight" and "fled" mean:

- (1) any voluntary or involuntary departure from the jurisdiction of the court where the proceedings mentioned in this chapter may have been instituted and are still pending, with the effect of avoiding, impeding, or delaying the action of the court in which the proceedings may have been instituted or may be pending; or
- (2) any departure from the state where the individual demanded then was under the detention by law as an individual of unsound mind and subject to detention.

*As added by P.L.2-1992, SEC.22.*

#### **IC 12-28-3-2**

##### **Repealed**

*(Repealed by P.L.1-1993, SEC.154.)*

#### **IC 12-28-3-3**

##### **Executive authority, governor, and chief magistrate defined**

Sec. 3. As used in this chapter and as applied to a request to return any individual within the purview of this chapter to or from the District of Columbia, "executive authority", "governor", and "chief magistrate" respectively, includes a justice of the Supreme Court of the District of Columbia and other authority.

*As added by P.L.2-1992, SEC.22.*

#### **IC 12-28-3-4**

##### **Conditions requiring delivery of fugitive**

Sec. 4. An individual alleged to be of unsound mind found in Indiana, who has fled from another state in which at the time of the individual's flight the individual:

- (1) was under detention by law in a hospital, asylum, or other institution for the insane as an individual of unsound mind;
- (2) had been determined by legal proceedings to be of unsound mind, the finding being unreversed and in full force and effect, and the control of the individual having been acquired by a court of competent jurisdiction of the state from which the individual fled; or
- (3) was subject to detention in the other state, being then the individual's legal domicile (personal service of process having been made) based on legal proceedings there pending to have the individual declared of unsound mind;

shall, on demand of the executive authority of the state from which the individual fled, be delivered up to be removed to that state.

*As added by P.L.2-1992, SEC.22.*

### **IC 12-28-3-5**

#### **Procedure on documented demand for fugitive; delivery to agent of demanding state; discharge for delay; costs and expenses; authority to transmit fugitive to other state; authority to demand return to this state**

Sec. 5. (a) Whenever the executive authority of any state demands of the executive authority of Indiana any fugitive described in section 4 of this chapter and produces a copy of commitment, decree, or other judicial process and proceedings, certified as authentic by the governor or chief magistrate of that state, with an affidavit made before a proper officer showing the individual to be a fugitive, the executive authority of Indiana shall cause the individual to be apprehended and secured (if found in Indiana) and to cause immediate notice of the apprehension to be given to the executive authority making the demand (or to the agent of that authority appointed to receive the fugitive) and to cause the fugitive to be delivered to the agent when the fugitive appears.

(b) If no agent appears within thirty (30) days from the time of the apprehension, the fugitive may be discharged.

(c) All costs and expenses incurred in the apprehending, securing, maintaining, and transmitting the fugitive to the state making the demand shall be paid by that state.

(d) Any agent so appointed who receives the fugitive into the agent's custody is empowered to transmit the fugitive to the state from which the fugitive has fled.

(e) The executive authority of Indiana is vested with the power, on the application of any person interested, to demand the return to Indiana of any fugitive described within the scope of this chapter.

*As added by P.L.2-1992, SEC.22.*

### **IC 12-28-3-6**

#### **Statute of limitations**

Sec. 6. Any proceedings under this chapter must begin within one (1) year after the flight referred to in this chapter.

*As added by P.L.2-1992, SEC.22.*